

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION

IN RE:

Thomas Anthony Estock

Case No. **09-28627**
Chapter 7

Debtor.

MOTION TO TERMINATE STAY AND ABANDONMENT

Comes now Citizens Automobile Finance, and would show to the Court the following:

1. Citizens Automobile Finance is owed a debt pursuant to a Retail Installment Contract from the above-named Chapter 7 Debtor.
2. This debt set forth above arises from a Retail Installment Contract executed by Debtors for a **2007 GMC Sierra, VIN 1GTEC19C87Z556434**.
3. Debtor has defaulted on his obligations under the terms of this agreement.
4. The stay should be terminated to allow Citizens Automobile Finance to immediately repossess said vehicle from Debtor, and/or proceed against Co-Debtor, as Citizens Automobile Finance lacks adequate protection.
5. Citizens Automobile Finance would allege and aver that there is no real equity in the collateral as the wholesale value is **\$20,275.00** and the balance owed to Citizens Automobile Finance is **\$8,882.22**, and that it is, therefore, burdensome to the estate, and that it is entitled to relief from the automatic stay provisions of 11 U.S.C. §362, and that it is entitled to have the Trustee abandon its interest in and to the collateral pursuant to the provisions of 11 U.S.C. §554.

WHEREFORE, Citizens Automobile Finance respectfully requests:

1. That the Section 362 Stay against Citizens Automobile Finance be terminated to allow Citizens Automobile Finance to immediately repossess and hold said vehicle for ten (10) days prior to liquidation before its interests in said property are further impaired.
2. That upon a hearing on this Motion that it be granted relief from the automatic stay provisions of 11 U.S.C. §362 and that the Trustee be required to abandon its interest in and to the collateral pledged to Citizens Automobile Finance under the provisions of 11 U.S.C. §554.
3. That Citizens Automobile Finance have such other, further, general and specific relief as it may be entitled to in this cause.

/s/ Tracey P. Malone
Tracey P. Malone #10050
Freeman C. Marr #7814
Attorneys for Citizens Automobile
Finance
2850 Bartlett Road
Bartlett, TN 38134
(901) 388-6682

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered to the following parties this February 18, 2010 via hand-delivery, email or postage pre-paid first-class mail:

DEBTOR(S):

Thomas Anthony Estock
961 Munford Ave.
Munford, TN 38058

DEBTOR(S) ATTORNEY:

Laura L. Sanford
9043 Barret Road
Barretville, TN 38053

TRUSTEE:

Lynda Teems
40 South Main, Ste. 2300
Memphis, TN 38103

/s/ Tracey P. Malone

Freeman C. Marr
Tracey P. Malone
Attorneys for Citizens Automobile
Finance